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OFFICE OF PETITIONS

In re Application of
Jason C. Lail et al
Application No. 10/661,204
Filed: September 12, 2003
Attorney Docket No. C0025A

ON PETITION

This is a decision on the petition filed June 28, 2006, under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on April 6, 2006, with the issue fee being due on or before July 6, 2006. The issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of April 6, 2006, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 2839.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions